

FINAL BILL REPORT

SHB 1505

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Synopsis as Enacted

Brief Description: Authorizing diversion for sexually exploited juveniles.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa).

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background:

After the 2008 release of a report commissioned by the City of Seattle examining juvenile prostitution in King County, an ad hoc committee was created to look at strategies for providing services to juveniles who were involved in prostitution. The committee also examined different models for intervention, such as a prosecution model, where arresting, charging, and holding juveniles in detention is the primary means of linking juveniles to services. Another model is the child abuse model where juveniles involved in prostitution are treated as victims of child abuse rather than offenders. Another alternative was a hybrid approach where charges may be filed against a juvenile and the juvenile is detained. Charges are dismissed in exchange for completing certain conditions. Services for these juveniles are often delivered while they are in custody.

New York recently adopted a statute that treats all juveniles under the age of 15 who were involved in prostitution as "children in need of supervision." Las Vegas has the prosecutorial model. San Francisco uses the hybrid approach and detains juveniles for their own safety. Boston uses the child abuse model. Although juvenile prostitution remains a crime in Massachusetts, at least one county district attorney indicated that he would not prosecute juveniles for that offense.

The 2008 report regarding juvenile prostitution in King County concluded that the juveniles involved in prostitution needed safe housing and community-based services in a wraparound case management model, which has been used with at-risk youth. A wraparound model requires a team-oriented approach with individualized services, cross-agency teams, and a unified plan for care. King County is developing a program to provide wraparound services for juveniles involved in prostitution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Juvenile prostitution in Washington is generally subject to the prosecutorial process, although some offenders may complete a diversion in exchange for resolving their cases before any charges are filed. A prosecutor must divert a case rather than file one, even if there are sufficient facts to file a case, if the alleged offense is a misdemeanor or gross misdemeanor violation and it is the offender's first offense. When a case is diverted, the juvenile enters into a "diversion agreement" to complete certain conditions. The diversion agreement may be entered into with another person, a community accountability board, a youth court, or any other entity except a law enforcement official or entity. If an offender has two or more diversion agreements already, the prosecutor must file the charges.

Summary:

The prosecutor is allowed to divert a case where a juvenile is alleged to have committed prostitution or prostitution loitering regardless of the juvenile's offender history of previous diversions. In exchange for a diversion, the juvenile must agree to participate in a program that provides wraparound services, including housing, integrated mental health and chemical dependency services, education, and employment training.

The Administrative Office of the Courts must compile data regarding: (1) the number of juveniles whose cases are diverted into the comprehensive program; (2) whether the juveniles complete their diversion agreements; and (3) whether juveniles who have been diverted have been subsequently arrested or committed subsequent offenses. A report must be provided to the Governor and Legislature by November 1, 2010.

These provisions expire on July 1, 2011.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 26, 2009